



THE INTERIM

A Monthly Newsletter of the Montana Legislative Branch

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IN THIS ISSUE

| | |
|---|----|
| INTERIM NEWSLETTER RESUMES | 1 |
| COMMITTEE EMAIL NOTIFICATION | 2 |
| REVENUE AND TRANSPORTATION COMMITTEE | 2 |
| LEGISLATIVE COUNCIL | 2 |
| QUALITY SCHOOLS INTERIM COMMITTEE | 3 |
| LEGISLATIVE FINANCE COMMITTEE | 4 |
| ECONOMIC AFFAIRS COMMITTEE | 4 |
| ENVIRONMENTAL QUALITY COUNCIL | 4 |
| STATE-TRIBAL RELATIONS COMMITTEE | 5 |
| LEGISLATIVE INTERIM COMMITTEE ASSIGNMENTS | 5 |
| TIMELY SUBMISSION OF TRAVEL CLAIMS | 7 |
| TIME AND TIDE | 7 |
| THE BACK PAGE | 8 |
| AN OVERVIEW OF 2005-06 INTERIM STUDIES AND ACTIVITIES | 8 |
| INTERIM CALENDAR | 12 |

INTERIM NEWSLETTER RESUMES

Newsletter Reports on Legislative Interim Activities...Publication of **THE INTERIM** resumes with this issue and continues each month through December 2006. The monthly newsletter reports on the interim activities of legislative committees, including the Legislative Council, the Environmental Quality Council, the Legislative Finance Committee, the Legislative Audit Committee, and legislative interim committees staffed by the Legislative Services Division. These committees include the:

- Children, Families, Health, and Human Services Committee;
- Economic Affairs Committee;
- Education and Local Government Committee;
- Energy and Telecommunications Committee;
- Law and Justice Committee;
- Revenue and Transportation Committee;
- State Administration and Veterans' Affairs Committee; and
- State-Tribal Relations Committee.

The newsletter will also report on the activities of the Quality Schools Interim Committee that was created by Senate Bill 525. That committee will determine the costs of a basic system of free quality public elementary and secondary schools, determine the state's share of the costs, and construct a funding formula that equitably distributes the state's share of the costs of the basic system. The committee is required to issue a preliminary report by Oct. 1, 2005, and a final report by Dec. 1, 2005. The committee is attached to the Legislative Services Division for administrative purposes.

Elsewhere in this issue (beginning on pg. 5) is a listing of the membership of the committees described above as well as the legislative membership of other committees, councils, boards, and panels on which legislators serve.

A regular feature of the newsletter is **The Back Page** which presents an in-depth analysis each month on a topic of importance to Montanans, such as public education, televised coverage of the Legislature, taxation and budgeting, health care, economic development, energy, natural resources, and transportation. Articles will also include topics of professional interest of staff and other themes.

A calendar of events is provided in each issue. Dates for committee meetings are not always firm because interim committees sometimes have to change dates in response to unforeseen circumstances. Committees are urged, however, to plan carefully to minimize confusion caused by changing meeting dates.

Subscriptions...Members of the Legislature, elected officials, and state department heads receive copies of the newsletter. **THE INTERIM** is also available to the public. The annual subscription cost is \$24 for the 19 issues that will appear between June 2005 and December 2006. Subscriptions may be ordered from the Legislative Services Division by calling (406) 444-3064 or by writing to PO Box 201711, Helena, MT, 59620-1711. The newsletter is also available without charge on the legislative branch website at <http://www.leg.mt.gov/css/default.asp> by clicking on

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**Legislative
Services
Division**

"Publications" and following the links to the interim newsletter. You can also sign up for electronic notice on the newsletter webpage.

If you have any questions, comments, or suggestions regarding **THE INTERIM**, please contact Jeff Martin at (406) 444-3595 or by email at jmartin@mt.gov.

COMMITTEE EMAIL NOTIFICATION

Notification of Committee Information by Email Now Available...Have you been longing for automatic email notification of interim committee meetings, agendas, reports, minutes, etc.? Then wait no longer! Now this interim is the opportunity for all interested parties to subscribe to one or more interim committee lists by going to http://www.leg.mt.gov/css/email_logon.asp.

enter your email address, hit the "submit" button and you can sign up for any of the following interim committees: Children, Families, Health and Human Services; Computer System Planning Council; Economic Affairs; Education and Local Government; Environmental Quality Council; Energy and Telecommunications; Law and Justice; Quality Schools; Revenue and Transportation; State Administration and Veterans Affairs; and State-Tribal Relations. You'll be glad you did! Email sign-up is also available on each interim committee website.

For more information about the email sign-up, please contact Alysa Eaton, branch webmaster, at aeaton@mt.gov or (406) 444-3591.

REVENUE AND TRANSPORTATION COMMITTEE

Organizational Meeting Scheduled for June 17...The Revenue and Transportation Interim Committee is meeting June 17. The committee will convene in Room 137 of the Capitol at **8 a.m.** to meet with the Department of Transportation. The committee will then join the Legislative Finance Committee at **9 a.m.** in Room 102 to hear the legislative fiscal analyst's report of legislative action affecting revenue and expenditures in the 2007 biennium. Following the presentation, the committee will move back to Room 137 to elect officers, meet with the Department of Revenue, review a draft work plan, and adopt a meeting schedule for the rest of the interim. An agenda for the meeting will be available early in June.

Two Studies Assigned to Committee...The Legislative Council assigned two interim studies to the committee. House Joint Resolution 43 requests a study of the classification, valuation, and taxation of agricultural land. In particular, the study requests an examination of the current methods used for the classification and valuation of agricultural land for property tax purposes and to examine alternative methods of classification and valuation. House

Joint Resolution 44 requests a study of the assessment and property taxation of oil and natural gas property, with a focus on oil and natural gas property that is centrally assessed. Study plans for the resolutions will be presented at the September meeting.

Want to be in the Loop?...Anyone who was not on the committee's mailing list last interim and would like to be may contact committee staff or sign up electronically (see the related article nearby on committee email notification). Individuals on the overland mailing list will receive meeting notices and agendas, while individuals on the electronic mailing list will receive notice of and links to everything that is posted on the committee's website.

For more information about the committee, please contact Jeff Martin at (406) 444-3595 (or by email at jmartin@mt.gov) or Dawn Field, committee secretary, at (406) 444-3073 (or by email at dfield@mt.gov). Lee Heiman is the staff attorney and may be reached at (406) 444-4022 (or by email at lheiman@mt.gov).

LEGISLATIVE COUNCIL

Council Assigns Interim Studies...The Legislative Council met on May 16 to assign studies to permanent and interim committees for the 2005-06 interim. (See **The Back Page** article of this issue for details.) The council also appointed legislators to committees of the National Conference of State Legislatures and the Council of State Governments - West, based on recommendations made by House and Senate leadership. In other action, the council:

- consulted with the Department of Natural Resources and Conservation on a proposed property transfer between the department and the Bigfork County Water and Sewer District;
- declined to take legal action in response to the governor's veto of portions of House Bill 2, the general appropriations act for state agencies; and
- approved operating budgets for the Legislative Services Division for the 2007 biennium and prices for the 2005 session laws.

Council Membership...Members of the Legislative Council are Sens. Bob Keenan (chair), Vicki Cocchiarella (vice chair), Greg Barkus, Kelly Gebhardt, Dan Harrington, and Michael Wheat and Reps. Bob Bergren, Roy Brown, Margaret Campbell, Dennis Himmelberger, Michael Lange, and David Wanzenried. The council's next meeting is Sept. 15 and 16 in Helena.

If you have questions about the council, please call Lois Menzies at (406) 444-3066 or send an email to lomenzies@mt.gov.

QUALITY SCHOOLS INTERIM COMMITTEE

Legislature Tackles School Funding...In response to the Montana Supreme Court decision that Montana's school funding system fails to adequately fund the state's public schools, the 2005 Legislature has taken a number of steps toward the creation of a new school funding system. During the recently-completed session, the Legislature passed Senate Bill 152 that defines a "basic system of free quality public elementary and secondary schools" and identifies the educationally relevant factors on which the basic system must be established.

The Legislature created a Joint Select Committee on Education Funding in mid-February to develop an education funding formula based on the "basic system" definition and the educationally relevant factors contained in SB 152. The members of the select committee were Sens. Don Ryan and Bob Story and Reps. Bill Glaser and Holly Raser. The select committee met 3-4 days every week during the session and engaged the education community in a lively discussion of the needs of Montana students and schools. As a result of these discussions, the select committee outlined a proposed education funding formula based on a series of entitlements that would fund school districts in a cost-based manner and that would streamline the school district funds structure in order to accurately measure and account for the revenue available to schools and to provide maximum flexibility of a district's resources. (A copy of the select committee's final report is available on the Quality Schools Interim Committee's website at www.leg.mt.gov; just follow the "Committees" link.)

After many meetings, the select committee concluded that more time was needed to fully develop the proposed education funding formula. The select committee proposed creating an interim study committee to continue the work it had begun. Senate Bill 525 established the Quality Schools Interim Committee and charged the committee with:

- assessing the educational needs of Montana students;
- determining the total costs of a basic system of free quality public elementary and secondary schools;
- determining the state's share of the total costs; and
- constructing a funding formula that equitably distributes the state's share of the costs.

Members of the committee are Sens. Dave Lewis, Don Ryan, Jon Tester, Bob Story, and Reps. Bill Glaser, Monica Lindeen, Holly Raser, and Pat Wagman. Ex officio members are Superintendent of Public Instruction Linda McCulloch, Kirk Miller, Board of Public Education, and David Ewer, representing Gov. Brian Schweitzer. Employees of

the Legislative Services Division, Legislative Fiscal Division, Office of Budget and Program Planning, and Office of Public Instruction are staffing the committee.

School Funding Study Up and Running...The Quality Schools Interim Committee got off to a running start by holding its first meeting on May 4, just two weeks after the adjournment of the Legislature. Rep. Lindeen was elected chair and Sen. Story was elected vice chair. Ali Bovingdon, Attorney General's Office, reviewed the Supreme Court decision that overturned Montana's public school funding system, and Eddy McClure, Legislative Services Division, reviewed the provisions of SB 152 and SB 525. Jim Standaert, Legislative Fiscal Division, reported on school funding adequacy studies in general, the fiscal data requirements of an adequacy study, and the various types of adequacy study models: professional judgment, evidence-based, successful schools, and cost function.

Committee to Contract with State Agencies and Award RFP...The staff recommended that the committee contract with the Department of Labor and Industry and the Montana university system to conduct a labor market analysis of school personnel in Montana and to determine the appropriate salary level in Montana to attract and retain qualified school personnel. The committee asked staff to develop proposed contracts for discussion and approval at the June 6 meeting.

Staff also recommended that the committee issue a request for proposal (RFP) for a needs assessment and cost analysis for a school funding formula. Staff presented a draft proposal for consideration by the committee. McCulloch and Miller advocated for the inclusion of professional educators on the staff that will work with the selected consultant. The committee agreed to adding two professional educators but left the selection of those educators up to the education organizations. After much discussion and revision, the RFP was approved by the committee. The RFP was issued May 6 with responses due back to the Department of Administration by May 27. The evaluation team met on May 31 to evaluate the responses and prepare a recommendation for the committee. The committee will hold a conference call meeting on June 3 to select a consultant.

Committee to Meet Summer and Fall...The committee set meetings for the following dates: June 3, June 6, June 28, July 21, Aug. 19, Sept. 19, early November, and late November. The meeting schedule may be adjusted if necessary.

The June 3 conference call meeting to select the consultant will take place in Room 137 of the Capitol beginning at 9 a.m. The June 6 and June 28 meetings will be held in Room 102 beginning at 9 a.m.

For further information about the committee, contact Connie Erickson, Legislative Services Division, at (406) 444-3078 or cerickson@mt.gov. Information will be posted on the committee's website as it becomes available.

LEGISLATIVE FINANCE COMMITTEE

Duties of the Committee and Membership... The Legislative Finance Committee is a permanent, bipartisan committee of the Legislature. It monitors fiscal activities of state government while the Legislature is not in session and oversees the budget analysis and research activities of the Legislative Fiscal Division. The committee also has oversight of the information technology policies of the state, a duty added by the 2001 Legislature. The 12-member committee includes 3 returning members and 9 new members. Senate members are Sens. Keith Bales, John Cobb, Mike Cooney, Rick Laible, Don Ryan, and Carol Williams. House members are Reps. Gary Branae, Rosie Buzzas, Tim Callahan, Ray Hawk, Verdell Jackson, and John Sinrud. The committee is scheduled to meet 7 times during the interim.

Committee to Meet June 17... The finance committee will meet Friday, June 17 at 9 a.m. in Room 102 of the state Capitol. The meeting agenda is expected to include:

- The election of committee officers
- A presentation of the *Legislative Fiscal Report: 2007 Biennium*
- A report on the status of the general fund
- A discussion of the role and authority of the committee and the role of the Legislative Fiscal Division staff
- A review of the committee's oversight of information technology management
- Consideration of a proposed work plan for the 2005-06 interim
- A report titled "Agency Profiles/Best Practices Approach to Budgeting"

The agenda and the reports prepared for this meeting are available on the Legislative Fiscal Division website at <http://www.leg.mt.gov/css/fiscal/default.asp>. For more information, contact Clayton Schenck at cschenck@mt.gov or any LFD staff at (406) 444-2986.

Fiscal Report Available in June... *The Legislative Fiscal Report: 2007 Biennium* will be available by mid-June. The report provides detailed analysis of legislative actions during the 2005 legislative session affecting agency budgets, revenue estimates, and changes in revenue. The report includes four volumes:

- Volume 1: Statewide Perspective (budget overview)
- Volume 2: Revenue Estimates
- Volume 3 and 4: Agency Budgets

The fiscal report is an excellent source of information for legislators, state agencies, and the public. It will be a reference source of fiscal data for years to come. The report is printed for distribution and is also available on the LFD website.

ECONOMIC AFFAIRS COMMITTEE

Committee to Start Long Interim Haul June 24... At its organizational meeting on June 24, the Economic Affairs Interim Committee will review study plans for Senate Joint Resolution 35, a study of professional and licensing boards, and Senate Joint Resolution 38, a study of identity theft. The committee will also adopt its interim work plan, which includes monitoring of state agencies responsible for business and economic development, insurance and securities, workers' compensation, labor, agriculture, and livestock. The 8-member committee will meet from 9 a.m. to 4 p.m. in Room 102 of the Capitol. Committee members are Sens. John Brueggeman, Vicki Cocchiarella, Ken Hansen, Don Steinbeisser and Reps. Dave Gallik, Jim Keane, Tom McGillvray, and Mike Milburn.

Other agenda items include updates from the Department of Commerce and the Governor's Office of Economic Development and a review of a proposed survey for persons interested in participating in the study of professional and licensing boards. The survey will be available on the committee's website. Paper copies of the survey may be obtained from committee staff. The study of professional and licensing boards and the study of identity theft will involve stakeholders. The committee website will provide additional information as it becomes available.

Sign up for Electronic or Snail Mail Notification... Interested persons may request agenda notification by contacting committee staff Pat Murdo at (406) 444-3594 or by signing up for electronic notices at the committee website. See the article on pg. 2 for information on signing up electronically.

ENVIRONMENTAL QUALITY COUNCIL

Water rights possible topic for special session... The Environmental Quality Council wants the governor to include water rights adjudication as a topic for a special session in order to fix a bill that passed earlier this year but has since been declared void.

House Bill 22, which would assess a fee to water rights holders to pay for the settling of water claims, was approved by the 2005 Legislature and signed by the governor.

However, the measure was declared void by the legislative code commissioner, who said it could not become law because HB 2, the main budget measure, did not contain a line item appropriation of \$2 million to the program

in each of the next two years as required in HB 22.

Attorneys for the departments of Fish, Wildlife and Parks and Natural Resources and Conservation disagree with the code commissioner's position. Gov. Brian Schweitzer has asked the attorney general for a legal opinion.

If the attorney general disagrees with the code commissioner's ruling, the bill becomes law. However, members of the EQC said it would be better to amend the measure in the special session instead of allowing language that could be legally questionable become law.

"The point we're at today is it happened and we need to straighten it out," said Rep. Walt McNutt, R-Sidney. "I think it's risky not to fix this in the special session."

The EQC unanimously voted to ask the governor to include the topic in the call for the special session.

The Department of Natural Resources, which administers water rights, is proceeding with plans to start sending out bills to water right holders to raise money that will be used to hire 37 new employees. The additional employees are expected to significantly speed up adjudication.

Double Chairs for EQC...For only the second time in more than 30 years, the EQC will have co-chairs.

Representatives Debby Barrett, R-Dillon, and Christopher Harris, D-Bozeman, were both nominated for the top job, but members could not break an 8-8 deadlock. Both legislators will serve as co-chairs.

The last time two lawmakers held the chair was during the 1997-98 interim when Rep. Vicki Cocchiarella, D-Missoula, and Sen. Ken Mesaros, R-Cascade, shared leadership.

Appointments to Oil and Gas Panel...More than 70 people applied for six at-large positions on an interim EQC study subcommittee that will examine split estates as well as bonding and reclamation for coal bed methane development.

"This is kind of like picking a jury," said Sen. Mike Wheat, D-Bozeman, an attorney who will chair the subcommittee.

House Bill 790, which created the study, passed the 2005 Legislature after the failure of measures that addressed split estates and coal bed methane development. The study bill created a subcommittee comprised of four lawmakers who are members of EQC, two public members of EQC and six at-large members.

The at-large applicants hailed from all over Montana as well as other states.

Besides Wheat, the EQC members on the subcommittee are Sen. Dan McGee, R-Laurel, who will serve as vice chair; Rep. Norma Bixby, D-Lame Deer; Rep. Jim Peterson, R-Buffalo; Brian Cebull, who works for Nance Petroleum Corp. of Billings; and Doug McRae, a Forsyth-area rancher.

After about two hours of debate, the EQC subcommittee members recommended six additional

members to EQC leadership. They concurred with the suggestions and appointed Connie Iversen, a landowner in Culbertson; Joe Owen, a Billings landman; Jim Rogers, a Colstrip land owner and supervisor for the Rosebud Conservation District; Lila Taylor, a Busby rancher and former lawmaker; Bruce Williams, a vice president for Fidelity Exploration and Production Co., based in Sheridan, Wyo.; and David Woodgerd of Stevensville, a former attorney for the state.

Also appointed to work with the subcommittee, but won't be voting members were Rep. Rick Ripley, R-Wolf Creek and Sen. Glen Roush, D-Cut Bank.

McGee said the subcommittee's work, which could result in legislation for the 2007 Legislature, could have far-reaching effects. It won't be easy, he said, but a clash of opinions can be productive.

"I believe it will be contentious. I believe there will be some high blood pressure," McGee said. "And if it's not, I don't think we're doing our job."

EQC to Meet in September...The EQC is scheduled to meet in Helena Sept. 15-16. Information about the EQC including agendas, meeting minutes, and reports is available on the EQC website at <http://www.leg.mt.gov/css/lepo> or by contacting the EQC office at (406) 444-3742 or mtheisen@mt.gov.

STATE-TRIBAL RELATIONS COMMITTEE

Committee to Meet in June...The State-Tribal Relations Committee will hold an organizational meeting on June 27 in Room 102 of the state Capitol. Committee members will adopt an interim work plan and review the study proposal for House Joint Resolution 41, a survey of economic development in Indian Country.

For more information about the committee, contact Chris Lohse, committee staff, at (406) 444-5367 or clohse@mt.gov.

LEGISLATIVE INTERIM COMMITTEE ASSIGNMENTS

LEGISLATIVE COUNCIL

| | |
|--------------------------|-------------------------|
| Rep. Dave Wanzenried | Sen. Vicki Cocchiarella |
| Rep. Roy Brown | Sen. Dan Harrington |
| Rep. Bob Bergren | Sen. Greg Barkus |
| Rep. Mike Lange | Sen. Kelly Gebhardt |
| Rep. Margie Campbell | Sen. Michael Wheat |
| Rep. Dennis Himmelberger | Sen. Bob. Keenan |

LEGISLATIVE AUDIT COMMITTEE

| | |
|------------------------|---------------------|
| Rep. Hal Jacobson | Sen. Jim Elliott |
| Rep. John Musgrove | Sen. Dan Harrington |
| Rep. Christine Kaufman | Sen. Lynda Moss |

| | | |
|-----------------------|----------------------|----------------------------------|
| Rep. Scott Mendenhall | Sen. Joe Balyeat | Mike Volesky (governor's office) |
| Rep. Dee Brown | Sen. John Brueggeman | <u>Public members</u> |
| Rep. Janna Taylor | Sen. Cory Stapleton | Kris Kok Brian Cebull |

LEGISLATIVE FINANCE COMMITTEE

| | |
|----------------------|---------------------|
| Rep. Gary Branae | Sen. Mike Cooney |
| Rep. John Sinrud | Sen. John Cobb |
| Rep. Verdell Jackson | Sen. Don Ryan |
| Rep. Ray Hawk | Sen. Carol Williams |
| Rep. Tim Callahan | Sen. Keith Bales |
| Rep. Rosie Buzzas | Sen. Rick Laible |

SB 525 QUALITY SCHOOLS INTERIM COMMITTEE

| | |
|---|------------------|
| Rep. Monica Lindeen | Sen. John Tester |
| Rep. Bill Glaser | Sen. Don Ryan |
| Rep. Holly Raser | Sen. Dave Lewis |
| Rep. Pat Wagman | Sen. Bob Story |
| Board of Public Education--Kirk Miller | |
| Office of Public Instruction--Linda McCulloch | |
| Governor's Office--David Ewer | |

CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES COMMITTEE

| | |
|-------------------|--------------------|
| Rep. Eve Franklin | Sen. Trudi Schmidt |
| Rep. Emelie Eaton | Sen. Dan Weinberg |
| Rep. Don Roberts | Sen. John Esp |
| Rep. Bill Warden | Sen. Jerry O'Neil |

ECONOMIC AFFAIRS COMMITTEE

| | |
|---------------------|-------------------------|
| Rep. Jim Keane | Sen. Vicki Cocchiarella |
| Rep. Dave Gallik | Sen. Ken Hansen |
| Rep. Mike Milburn | Sen. John Brueggeman |
| Rep. Tom McGillvray | Sen. Don Steinbeisser |

EDUCATION AND LOCAL GOVERNMENT COMMITTEE

| | |
|-----------------------------|-------------------|
| Rep. Kathleen Galvin-Halcro | Sen. Kim Gillan |
| Rep. Robin Hamilton | Sen. Bob Hawks |
| Rep. Mike Jopek | Sen. Jeff Mangan |
| Rep. Mark Noennig | Sen. Jeff Essmann |
| Rep. Elsie Arntzen | Sen. Rick Laible |
| Rep. Jon Sonju | Sen. Bob Story |

ENERGY AND TELECOMMUNICATION COMMITTEE

| | |
|---------------------|-------------------|
| Rep. Gary Matthews | Sen. Greg Lind |
| Rep. Robin Driscoll | Sen. Glen Roush |
| Rep. Alan Olson | Sen. Jeff Essmann |
| Rep. Harry Klock | Sen. Dave Lewis |

ENVIRONMENTAL QUALITY COUNCIL

| | |
|---------------------|--------------------|
| Rep. Chris Harris | Sen. Lane Larson |
| Rep. Debbie Barrett | Sen. Greg Lind |
| Rep. Norma Bixby | Sen. Michael Wheat |
| Rep. Walt McNutt | Sen. Dan McGee |
| Rep. Sue Dickenson | Sen. Jim Shockley |
| Rep. Jim Peterson | Sen. Bob Story |

Mike Volesky (governor's office)

Public members

Kris Kok

Brian Cebull

Douglas McRae

Buzz Mattelin

LAW AND JUSTICE COMMITTEE

| | |
|---------------------|----------------------|
| Rep. John Parker | Sen. Brent Cromley |
| Rep. Jeanne Windham | Sen. Jesse Laslovich |
| Rep. Bill Wilson | Sen. Carol Williams |
| Rep. Diane Rice | Sen. Dan McGee |
| Rep. Ron Stoker | Sen. Gary Perry |
| Rep. George Everett | Sen. Jim Shockley |

LEGISLATIVE CONSUMER COMMITTEE

| | |
|-----------------------|---------------------|
| Rep. George Groesbeck | Sen. Ken Toole |
| Rep. Walt McNutt | Sen. Sam Kitzenberg |

REVENUE AND TRANSPORTATION COMMITTEE

| | |
|----------------------|---------------------|
| Rep. Dave McAlpin | Sen. Jim Elliott |
| Rep. Jill Cohenour | Sen. Kim Gillan |
| Rep. Cindy Hiner | Sen. Ken Toole |
| Rep. Karl Waitschies | Sen. Greg Barkus |
| Rep. Bob Lake | Sen. Jerry Black |
| Rep. Penny Morgan | Sen. Sam Kitzenberg |

STATE ADMINISTRATION AND VETERANS' AFFAIRS COMMITTEE

| | |
|-----------------------------|----------------------|
| Rep. Ralph Lenhart | Sen. Joe Tropila |
| Rep. Verdell Jackson | Sen. Carolyn Squires |
| Rep. Veronica Small-Eastman | Sen. Keith Bales |
| Rep. Ralph Heinert | Sen. Bill Tash |

STATE-TRIBAL RELATIONS COMMITTEE

| | |
|-------------------------|-----------------------|
| Rep. Joey Jayne | Sen. Gerald Pease |
| Rep. Gordon Hendrick | Sen. Frank Smith |
| Rep. Jonathan Windy Boy | Sen. Jerry O'Neil |
| Rep. Joan Anderson | Sen. Don Steinbeisser |

CAPITOL COMPLEX ADVISORY COUNCIL

| | |
|-----------------|--------------------|
| Rep. Larry Jent | Sen. Ken Hansen |
| Rep. John Ward | Sen. Aubyn Curtiss |

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

| | |
|-------------------|------------------|
| Rep. Dan Villa | Sen. Jeff Mangan |
| Rep. Joe McKenney | Sen. Jerry Black |

ELECTRONIC GOVERNMENT ADVISORY COUNCIL

| | |
|-------------------|-----------------|
| Rep. Mary Caferro | Sen. Lynda Moss |
|-------------------|-----------------|

FUTURE FISHERIES REVIEW PANEL

| | |
|-------------------|-------------------|
| Rep. George Golie | Sen. Steve Gallus |
|-------------------|-------------------|

INFORMATION TECHNOLOGY BOARD

| | |
|--------------------|--------------------|
| Rep. Brady Wiseman | Sen. Brent Cromley |
|--------------------|--------------------|

ARCO LITIGATION OVERSIGHT COMMITTEE

Rep. Arlene Becker
Rep. Llew Jones

Sen. Lane Larson
Sen. Gary Perry

GAMING ADVISORY COUNCIL

Rep. John Witt Sen. Joe Tropila

PACIFIC NORTHWEST ECONOMIC REGION

HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION

MONTANA CONSENSUS COUNCIL BOARD

RESERVED WATER RIGHTS COMPACT COMMISSION

WORKFORCE INVESTMENT BOARD

TIMELY SUBMISSION OF TRAVEL CLAIMS

Legislators Reminded to Submit Timely Travel Reimbursement Claims...Legislators are reminded to submit travel claims in a timely manner this interim. State policy requires that requests for reimbursement of travel costs be submitted within 3 months of incurring the expense or the right to reimbursement is waived. The legislative branch cannot process payment if a reimbursement request is submitted outside the 3-month window.

If you have any questions about travel reimbursements, please contact Karen Berger, legislative branch financial services manager, at (406) 444-3064 or kberger@mt.gov

TIME AND TIDE

(Tempus fugit)

| <u>Event</u> | <u>Days remain</u> |
|--|--------------------|
| Special session (Dec. xx, 2005) | ±196 |
| Date for completion of interim committee work (Sept. 15, 2006) | 472 |
| General election (Nov. 7, 2006) | 525 |
| 60th Legislature convenes (Jan. 3, 2007) | 582 |

THE BACK PAGE

AN OVERVIEW OF 2005-06 INTERIM STUDIES AND ACTIVITIES

By Dave Bohyer
Legislative Research Director

"History is past politics; and politics present history." *John Seeley*

INTRODUCTION

The Legislative Services Division is required by statute to poll all legislators to determine the relative priority of each study requested by the Legislature. The poll is to be conducted "immediately" following adjournment of the Legislature, and the results of the poll are to be considered by the Legislative Council, which has the statutory authority to assign the study requests to the various legislative committees that function between regular legislative sessions. This article describes the results of the poll of the 59th Legislature, and actions taken by the Legislative Council on May 16 to assign the various studies.

THE INTERIM STUDY POLL

The LSD staff mailed the poll on April 21, the same day that the 59th Legislature adjourned. There were 22 studies included in the poll. A return date of April 30 was set, primarily to accommodate the demands of the interim workload. The LSD staff compiled data from the poll ballots through May 4 and reported the results to the Legislative Council on May 16.¹

RESULTS OF THE POLL

Of the 150 ballots sent out, 116 were returned in time to be counted, for a participation rate of 77%. (There were an additional seven ballots returned too late to be counted in the poll, which would have increased participation to 82% of the Legislature.) The response rate was 84% in 2001 and 78% in 2003.

The voting method used to conduct the poll was the Borda method, a method by which each study could be ranked, with a ranking of "1" being the highest and a ranking of "22" being the lowest. Points were then assigned in reverse order, with a study ranked as "1" receiving 22 points and a study ranked as "22" receiving 1 point and the same method applied to rankings in between. (Media organizations use the Borda method to rank intercollegiate sports teams.)

The average number of points received by the studies was

1,137 points. The highest ranking study, House Joint Resolution 42, received 1,788 points. At the other end of the scale, Senate Joint Resolution 14, received 627 points. Of the 22 studies in the poll, 12 received more than the average number of points.

The median number of points received was approximately 1,165, meaning that 11 studies received more points and 11 studies received fewer.

STAFF RECOMMENDATIONS

After reviewing the study resolutions, preparing preliminary study outlines, and taking into account the poll results, LSD staff recommended that 18 of the 22 studies requested by resolution be conducted. Three factors guided staff recommendations regarding the assignment of interim studies:

- the results and rankings of the poll;
- resource availability -- committee and staff time and appropriations;
- balancing time commitment and work loads among committees.

Because the Legislative Council has the responsibility to assign interim studies, the staff recommendations are simply that: recommendations. Nevertheless, they are influenced by a number of other considerations that should not be ignored. Some of those considerations include:

- Interim studies are not of equal importance. Some have considerable breadth, depth, and complexity, while others are narrow and focused. Thus, Study B is not necessarily equally balanced with or interchangeable with Study A.
- The workload of interim committees is not equal. Some have more extensive statutory duties. Some have more members than others. In the past, some interim committees have formed subcommittees that operated much the same as full committees in terms of staff time and committee member effort.
- Interim studies are only part of what interim committees do during the interim. Each committee has a variety of statutory duties, including agency monitoring and administrative rule review.
- Each interim committee has the authority to examine issues within its purview, which may extend beyond interim studies assigned. Staff experience suggests that each committee will exercise that authority to a greater or lesser extent. The issues that might arise or the level of involvement cannot be foreseen, but these types of projects are likely to occur.

¹Two studies assigned by separate bills were not included in the poll. One bill, HB 790, directs the Environmental Quality Council to study split estates and coal bed methane reclamation and bonding. The other bill, SB 525 created the Quality Schools Interim Committee to study school funding in Montana.

- Resources (staff time, committee time, and funding) are all limited.

LEGISLATIVE COUNCIL ACTION

The Legislative Council invited the chief sponsor of each interim study resolution to discuss the purpose of the study and the merits of assigning the study to an interim committee. Senator Carol Williams testified in person on SJR 37, a study of the child protection system. Senator Rick Laible provided written testimony advocating the assignment of SJR 11, a study of the subdivision review process. Several interested persons also testified on behalf of other study requests.

After hearing from staff, the study sponsors, and interested persons, the Legislative Council assigned the studies as shown in the table below. The Council directed staff to prepare a white paper on HJR 15 (study sentencing equity) and report the findings to the Law and Justice Interim Committee. With regard to SJR 14, the Council will request the Department of Military Affairs to: (1) more clearly specify the problems that led to the study request; (2) propose a course of action to solve the problems; and (3) work with the State Administration and Veterans' Affairs Committee to develop a legislative solution, if necessary.

PREVIEW OF INTERIM ACTIVITIES

The 2005-06 interim is just beginning to take shape. None of the interim committees has met yet, but the members of all committees have been appointed. (See pg. 5 for committee appointments.)

Staffing assignments for the committees are also taking shape. Following the table is a list, by interim committee, of the staffing assignments that have been decided thus far.

In addition to the interim studies assigned by the Legislative Council, each of the interim committees has a range of statutory duties and responsibilities, which can be found in Title 5, chapter 5, part 2, MCA, or, specifically for the Environmental Quality Council, in Title 75, chapter 1, part 3, MCA. The duties and responsibilities for other committees of the Legislature (e.g., Legislative Audit Committee and Legislative Finance Committee) that meet during the interim are contained in various chapters within Title 5, MCA.

With committee meetings being planned for the summer, draft work plans and proposed meeting schedules will be forthcoming. Stay tuned for more information in subsequent issues of **THE INTERIM**. In the meantime, check the LSD website or call the LSD at (406) 444-3064 with any questions you may have regarding the poll, a particular study, or any of the interim committees.

SUMMARY OF THE 2005-06 INTERIM STUDY POLL

| Rank | Resolution (Points) | Study Topic/Description | Legislative Council Assignment to Interim or Statutory Committee |
|------|---------------------|---|---|
| 1 | HJR 42 (1,788) | Study investment of pension funds | State Administration and Veterans' Affairs |
| 2 | SJR 37 (1,455) | Study child protection system | Children, Families, Health, and Human Services |
| 3 | HJR 36 (1,340) | Study resource indemnity trust funding and allocation | Legislative Fiscal Division and Legislative Finance Committee |
| 4 | HJR 44 (1,276) | Study taxation of oil and gas production equipment and transmission pipelines | Revenue and Transportation |
| 5 | HJR 10 (1,252) | Study fire-related statutes for suppression and mitigation | Environmental Quality Council |
| 6 | HJR 43 (1,239) | Study the classification and valuation of agricultural land | Revenue and Transportation |
| 7 | HJR 33 (1,236) | Study contract timber harvesting | Legislative Services Division white paper and EQC review and action |
| 8 | SJR 39 (1,230) | Study possible creation of ongoing energy planning and coordinating entity | Energy and Telecommunications |
| 9 | SJR 41 (1,222) | Study mental health crisis response system | Children, Families, Health, and Human Services |

SUMMARY OF THE 2005-06 INTERIM STUDY POLL

| Rank | Resolution (Points) | Study Topic/Description | Legislative Council Assignment to Interim or Statutory Committee |
|------|------------------------|---|--|
| 10 | SJR 6 (1,186) | Study legal services for low and moderate income Montanans | Law and Justice |
| 11 | SJR 36 (1,176) | Study distributed energy generation | Energy and Telecommunications |
| 12 | SJR 38 (1,154) | Study issues related to identity theft | Economic Affairs |
| 13 | HJR 34 (1,070) | Study on impacts of superfund sites on surrounding communities | Environmental Quality Council |
| 14 | HJR 26 (1,064) | Study state financial reliance on federal funds; implications of federal budget deficits | Legislative Fiscal Division and Legislative Finance Committee |
| 15 | SJR 35 (1,051) | Study professional and occupational licensing boards | Economic Affairs |
| 16 | HJR 41 (1,050) | Study economic development in Indian country | State-Tribal Relations |
| 17 | HJR 15 (1,046) | Study sentencing equity | Legislative Services Division staff white paper and Law and Justice review and action |
| 18 | SJR 11 (1,039) | Study subdivision review process | Education and Local Government |
| 19 | HJR 30 (939) | Study Department of Fish, Wildlife, and Parks licenses, permits, and landowner incentives | Do Not Assign |
| 20 | SJR 40 (884) | Study delivery of prosecution services | Legislative Services Division staff white paper and Law and Justice review and action |
| 21 | HJR 45 | Study funding for wireless enhanced 911 | Do Not Assign |
| 22 | SJR 14 (627) | Comprehensive review of state active duty process | Department of Military Affairs proposal and State Administration and Veterans' Affairs review and action |

Mean: 1,137 points

Median: 1,165 points

Counted ballots: 116

INTERIM COMMITTEE STAFFING AND STUDY ASSIGNMENTS**CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES COMMITTEE****Staffing**

Lead: Susan Fox, Research Analyst
 Attorney: David Niss
 Secretary: Fong Hom

Interim Study Assignment

SJR 37: Study child protection system (Coordinate with Law and Justice Interim Committee)
 SJR 41: Study mental health crisis response system

Lead: Pat Murdo, Research Analyst
 Attorney: Bart Campbell
 Secretary: Dawn Field

Interim Study Assignment

SJR 38: Study issues related to identity theft
 SJR 35: Study professional and occupational licensing boards

EDUCATION AND LOCAL GOVERNMENT COMMITTEE**Staffing**

Lead: Leanne Kurtz, Research Analyst
 Attorney: Eddy McClure
 Secretary: Fong Hom

Interim Study Assignment

SJR 11: Study subdivision review process

ECONOMIC AFFAIRS COMMITTEE**Staffing**

ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

Staffing

Lead: Casey Barrs, Research Analyst
 Attorney: Todd Everts
 Secretary: Dawn Field

Interim Study Assignment

SJR 39: Study possible creation of ongoing energy planning and coordinating entity
 SJR 36: Study distributed energy generation

LAW AND JUSTICE INTERIM COMMITTEE

Staffing

Lead: Sheri Heffelfinger, Research Analyst
 Attorney: Valencia Lane
 Secretary: Fong Hom

Interim Study Assignment

SJR 6: Study legal services for low and moderate income Montanans
 SJR 40: Study delivery of prosecution services. Staff "white paper" reported to the LJIC
 HJR 15: Study sentencing equity. Staff "white paper" reported to the LJIC

REVENUE AND TRANSPORTATION INTERIM COMMITTEE

Staffing

Lead: Jeff Martin, Research Analyst
 Attorney: Lee Heiman
 Secretary: Dawn Field

Interim Study Assignment

HJR 43: Study the classification and valuation of agricultural land
 HJR 44: Study taxation of oil and gas production equipment and transmission pipelines

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

Staffing

Lead: Dave Bohyer, Research Director
 Attorney: John MacMaster
 Secretary: Fong Hom

Interim Study Assignment

HJR 42: Study investment of pension funds
 SJR 14: Comprehensive review of state active duty process. (Dept. of Military Affairs is asked to prepare a report and recommendation to the committee.)

STATE-TRIBAL RELATIONS INTERIM COMMITTEE

Staffing

Lead: Chris Lohse, Research Analyst
 Attorney: Eddy McClure
 Secretary: Dawn Field

Interim Study Assignment

HJR 41: Study economic development in Indian country

ENVIRONMENTAL QUALITY COUNCIL

Staffing

Lead: Todd Everts, Legislative Environmental Analyst
 Krista Lee Evans, Research Analyst
 Joe Kolman, Research Analyst
 Attorney: Todd Everts
 Secretary: Cindy Peterson

Interim Study Assignment

HB 790: Study on split estates and on coal bed methane reclamation and bonding
 HJR 10: Study fire-related statutes for suppression and mitigation
 HJR 33: Study contract timber harvesting. Staff "white paper" reported to the EQC.
 HJR 34: Study on impacts of superfund sites on surrounding communities

SB 525: QUALITY SCHOOLS INTERIM COMMITTEE

Staffing

Lead: Connie Erickson, Research Analyst
 Chris Lohse, Research Analyst
 Attorney: Eddy McClure
 Secretary: Fong Hom

Interim Study Assignment

SB 525: School funding formula study; Quality Schools Interim Committee

LEGISLATIVE COUNCIL

Staffing

Lead: Lois Menzies, Executive Director, LSD
 Attorney: Greg Petesch, Legal Director
 Secretary: Dawn Field

Interim Study Assignment

None assigned

LEGISLATIVE FINANCE COMMITTEE/FISCAL DIVISION

Staffing

Lead: Clayton Schenck, Fiscal Analyst
 Attorney: Not yet assigned
 Secretary: Diane McDuffie

Interim Study Assignment

HJR 36: Study resource indemnity trust funding and allocation
 HJR 26: Study state financial reliance on federal funds and the implications of federal budget deficits



INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED, ALL ROOM DESIGNATIONS ARE IN THE CAPITOL

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--|---|-----------|----------|--|----------|
| | | | | | | |
| | | | | | | |
| | | | 1 | 2 | 3 Quality Schools Committee, conference call, Room 137, 9 a.m. | 4 |
| 5 | 6 Quality Schools Committee, Room 102, 9 a.m. | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 Legislative Finance Committee, Room 102, 9a.m. Revenue and Trans- portation Committee, Room 137, 8 a.m. | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 Economic Affairs Committee, | 25 |
| 26 | 27 State-Tribal Relations Com- mittee, Room 102 | 28 Quality Schools Committee, Room 102, 9 a.m. | 29 | 30 | | |

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------------------|--------------|---------|-----------|------------------------------------|------------------------------------|----------|
| | | | | | | 2 |
| <h2>July 2005</h2> | | | | | | |
| 3 | 4 Holiday | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 Quality Schools Committee | 22 Law and Justice Committee | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

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